

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CENTRAL SECTION

LOUIS P. ALBERGHINI,
Plaintiff,

V.

SIMONDS INDUSTRIES, INC.,
Defendant.

CIVIL ACTION NO. 04-40092-FDS

**PLAINTIFF'S MOTION FOR LEAVE TO FILE A SUR-REPLY TO DEFENDANT'S
REPLY TO PLAINTIFF'S OPPOSITION OF DEFENDANT'S MOTION TO STRIKE**

NOW COMES the Plaintiff, Louis P. Alberghini, pursuant to Local Rule 7.1 (B) (3), to request leave to file a sur-reply to Defendant's reply to Plaintiff's opposition to Defendant's motion to strike. As grounds for this motion, the Plaintiff states that the attached sur-reply is necessary to clear up incorrect references and incorrect implications the Defendant has made pertaining to the Plaintiff's evidence submitted with his opposition to Defendant's motion for summary judgment at Appendix 14. Furthermore, the sur-reply is necessary to address Defendant's allegations and apparent misstatements of law in its reply brief. All of the foregoing will assist the court in the consideration of the original motion for summary judgment and the Plaintiff's opposition thereto. Since the court has not yet made a decision on the motion for summary judgment, the short sur-reply should not burden or delay the court's determination of that motion.

WHEREFORE, the Plaintiff respectfully requests that the Plaintiff's motion to file the sur-reply attached hereto as Exhibit A be allowed.

LOUIS ALBERGHINI,
The Plaintiff
By his Attorneys,

/s/ Marcia L. Elliott
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Dated: January 18, 2006

CERTIFICATE OF SERVICE

I, Marcia L. Elliott, hereby certify that on this 18th day of January 2006, that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Marcia L. Elliott
Marcia L. Elliott, Esq.